

## MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

December 29, 1977  
10:00 A.M.Council Chambers  
301 West Second Street

The meeting was called to order with Mayor McClellan presiding.

## Roll Call:

Present: Mayor McClellan, Councilmembers Cooke, Goodman, Mayor Pro  
Tem Himmelblau, Councilmembers Mullen, Snell, Trevino

Absent: None

The Invocation was given by Father McCabe, St. Theresa's Catholic Church.

## MINUTES APPROVED

Councilmember Snell moved that the Council approve the Minutes for the Special Meeting of December 19, 1977, and Regular Meeting of December 15, 1977, as corrected on pages 6 and 14. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Mayor Pro  
Tem Himmelblau, Councilmembers Mullen, Snell, Trevino

Noes: None

## BOARDS AND COMMISSIONS APPOINTMENTS

Mayor McClellan announced that there would be no appointments to boards and commissions today, as had been announced previously. Appointments to the Arts Commission, Human Relations Commission and Building Standards Commission would be made on January 5, 1978.

## A. MEREDITH JOHN DAY

Mayor McClellan read and then presented to A. Meredith John a proclamation declaring December 22, 1977, a "A. Meredith John Day" in Austin for Ms. John's accomplishments in receiving a Rhodes scholarship to Oxford. Ms. John thanked the Mayor and Council for the proclamation.

## ZONING ITEMS POSTPONED

Councilmember Mullen moved that the Council postpone the following zoning case until 10:00 a.m., February 23, 1978:

ALLEN RUNDELL	4100-4123 Spicewood	From Interim "A" Residence
By Travis Phillips	Springs Road	1st Height and Area
C14-77-156	8001-8133 Kerith Dale	To "O" Office (tract 1) and
	Drive and 3901-3953	"BB" Residence (tract 2)
	Steck Avenue	1st Height and Area
		NOT Recommended by the
		Planning Commission

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau,  
Councilmembers Mullen, Snell, Trevino, Mayor McClellan  
Noes: None

The Mayor announced that the zoning had been POSTPONED.

DAVID E. DANIEL, who lived across the street from the proposed development, stated that he did not object so much to the 60-day postponement, but asked for some assurance that the Council would take action at that time.

TRAVIS R. PHILLIPS, representing the owner of the subject property and MARVIN HACKERT, representing the Balcones Civic Association, agreed to the postponement and felt that a compromise could be worked out on the zoning.

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Councilmember Cooke moved that the Council postpone the following zoning case until 11:00 a.m., January 5, 1978:

C. R. SIMONSON	11604 Jollyville Road	From Interim "AA" Residence
By Robert Davis		1st Height and Area
C14-77-162		To "O" Office
		1st Height and Area
		RECOMMENDED by the Planning
		Commission

The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Mayor Pro  
Tem Himmelblau, Councilmembers Cooke, Goodman, Mullen  
Noes: None

The Mayor announced that the zoning had been POSTPONED.

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Councilmember Cooke moved that the Council postpone the following zoning case until 11:15 a.m., January 5, 1978:

ROBERT H. NUTTER  
By Jose Mercado  
C14-77-008

4206 Steck Avenue

From "A" Residence, 1st Height and Area to a 23-unit residential Planned Unit Development called "Alta Vista."  
RECOMMENDED by the Planning Commission

The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke  
Noes: None

The Mayor announced that the zoning had been POSTPONED.

The applicant was not present, and the Council had questions concerning this zoning. They requested the owner be notified to be present at the hearing on January 5, 1978.

#### ZONING HEARINGS

The Mayor announced the Council would hear the zoning cases scheduled for 10:00 a.m. Pursuant to published notice thereof, the following zoning cases were publicly heard:

JOHN PATTON  
C14-77-161

3404 Kerbey Lane

From "A" Residence  
1st Height and Area  
To "O" Office  
1st Height and Area  
RECOMMENDED by the Planning Commission

Councilmember Cooke moved that the Council grant "O" Office, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke  
Noes: None

The Mayor announced that the change had been granted to "O" Office, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

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USABLE SPACE  
ASSOCIATES, LTD.  
& CLIFTON & IDA  
J. TOWNSEND  
By Alan H. Minter  
C14-77-165

3200-3214 Ed Bluestein  
Boulevard  
6310-6404 Harold Court  
Rear of 6301-6313  
Hudson Street

From Interim "A" Residence  
1st Height and Area  
To "C" Commercial  
1st Height and Area  
RECOMMENDED by the Planning  
Commission

Councilmember Cooke moved that the Council grant "C" Commercial, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke  
Noes: None

The Mayor announced that the change had been granted to "C" Commercial, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

HULDA KOESTER &  
RAY J. ROGERS  
By Adon Sitra  
C14-77-166

3513-3701 West Avenue

From "A" Residence  
1st Height and Area  
To "LR" Local Retail  
1st Height and Area  
RECOMMENDED by the Planning  
Commission

Councilmember Cooke moved that the Council grant "LR" Local Retail, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke  
Noes: None

The Mayor announced that the change had been granted to "LR" Local Retail, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

BEECAVE DEVELOP-  
MENT CO., INC.  
By James Grant  
C14-77-169

1505 Walsh-Tarleton  
Lane

From Interim "AA" Residence  
1st Height and Area  
To "A" Residence  
1st Height and Area  
RECOMMENDED by the Planning  
Commission

Councilmember Cooke moved that the Council grant "A" Residence, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke  
Noes: None

The Mayor announced that the change had been granted to "A" Residence, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

JOE GILBRETH &  
CO., INC., ET  
AL  
By Phil Mockford  
C14-77-171

12938-12952 U.S. 183  
and Fathom Circle

From Interim "AA" Residence  
1st Height and Area  
To "GR" General Retail  
1st Height and Area  
RECOMMENDED by the Planning  
Commission

Councilmember Cooke moved that the Council grant "GR" General Retail, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke  
Noes: None

The Mayor announced that the change had been granted to "GR" General Retail, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

CITY OF AUSTIN  
By Planning  
Department  
C14-77-158

12022-12070 Jollyville  
Road  
11900-11927 Broadoaks  
Drive  
11900-11926 Oak Knoll  
Drive

From Interim "AA" Residence  
1st Height and Area  
To "A" Residence  
1st Height and Area  
RECOMMENDED by the Planning  
Commission

In response to Councilmember Cooke's questions, Dick Lillie, Director of the Planning Department, stated that the zoning was to correct an error which was made when the duplex permits were issued for the area. At the time the permits were issued, it was thought that new annexations were coming in as Interim "A" Residence which would permit duplexes. The Council had amended the ordinance to bring in all new annexations as Interim "AA" Residence, which would require a zoning change to allow duplexes. The present zoning change request was simply a housekeeping operation.

Councilmember Cooke moved that the Council grant "A" Residence, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke  
Noes: None

The Mayor announced that the change had been granted to "A" Residence, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

J. HAYES  
BUILDERS, INC.  
By J. E. Hayes  
C14-77-142

13414-13470 U.S. 183,  
also bounded by  
Anderson Mill Road

From Interim "AA" Residence  
1st Height and Area  
To "GR" General Retail  
1st Height and Area  
RECOMMENDED by the Planning  
Commission

Mayor Pro Tem Himmelblau asked Mr. Lillie how the Urban Transportation Department determined how curb cuts should be made on major highways. Mr. Lillie stated that Urban Transportation was recommending a spacing of between 250 feet and 350 feet. All zonings fronting on major highways were now being directed to Urban Transportation. That Department was currently working on an ordinance amendment dealing with spacing on major highways and hoped to have it before the Council shortly.

There was a brief discussion of a proposal from Urban Transportation regarding curb cuts on major highways. (Copy of the proposal not given to the City Clerk)

Mayor Pro Tem Himmelblau stated that she had always felt that U.S. 183 should be a limited access highway, but it was turning into another Burnet Road.

Mayor Pro Tem Himmelblau moved that the Council grant the change to "GR" General Retail, 1st Height and Area District, as recommended by the Planning Commission, subject to Urban Transportation recommendations on curb cuts. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Trevino, Mayor McClellan,  
Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau  
Noes: None

The Mayor announced that the change had been granted to "GR" General Retail, 1st Height and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

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THOMAS C. WRIGHT  
By J. E. Hayes  
C14-77-141

13188-13298 U.S. 183  
also bounded by  
Balcones Club Drive

From Interim "AA" Residence  
1st Height and Area  
To "GR" General Retail  
1st Height and Area  
RECOMMENDED by the Planning  
Commission

Mayor Pro Tem Himmelblau moved that the Council grant "GR" General Retail, 1st Height and Area District, as recommended by the Planning Commission, subject to Urban Transportation recommendation on curb cuts. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Councilmembers  
Cooke, Goodman, Mayor Pro Tem Himmelblau, Councilmember Mullen  
Noes: None

The Mayor announced that the change had been granted to "GR" General Retail, 1st Height and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

HURSCHEL B.  
MORGAN, ET UX  
By Tina Trochta  
C14-77-049

6301 Manchaca Road

From Interim "A" Residence  
1st Height and Area  
To "O" Office  
1st Height and Area  
RECOMMENDED by the Planning  
Commission, subject to a  
restrictive covenant prohibit-  
ing a massage parlor and  
providing for a privacy fence  
along the rear property line.

Mr. Lillie reviewed the application by use of slides. MS. TINA TROCHTA, representing the owners, presented to the Council signatures of the surrounding property owners who approved the zoning request. She stated that "GR" General Retail zoning could have been requested, but the owners wanted to protect the church to the north.

Mayor Pro Tem Himmelblau sympathized with the owners but could not support the requested change.

Motion

Mayor Pro Tem Himmelblau moved that the Council deny the zoning. The motion was seconded by Councilmember Cooke.

Substitute Motion

Councilmember Goodman moved that the Council grant "O" Office, 1st Height and Area District, as recommended by the Planning Commission, subject to conditions. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Goodman, Mullen, Snell

Noes: Councilmember Cooke, Mayor Pro Tem Himmelblau

Abstain: Councilmember Trevino

The Mayor announced that the change had been granted to "O" Office, 1st Height and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

VES INVESTMENTS  
LTD.  
By Irvin Hamilton  
C14-77-168

Rear of 2300 Pasadena  
Drive

From "A" Residence  
1st Height and Area  
To "C" Commercial  
1st Height and Area  
RECOMMENDED by the Planning  
Commission subject to a  
restrictive covenant providing  
for a privacy fence along the  
east and south property lines.

Mr. Lillie reviewed the application by use of slides. MR. IRVIN L. HAMILTON, representing the applicant, stated that "C" Commercial zoning was requested instead of "O" Office due to a proposed expansion of a business on the property which required "C" Commercial zoning. At the time the applicant bought the property it was thought that the property was zoned "C" Commercial. Mr. Hamilton and another individual had checked with Building Inspection previously and were told that the property was zoned "C" Commercial.

Councilmember Goodman asked about maintenance of required privacy fences. Mr. Lonnie Davis, Building Inspection Department, stated that when there was a problem with a fence, the owner was contacted and asked to repair it. If the owner did not comply, then charges were filed in Municipal Court. For repeated offenses, the fine would get progressively higher.

Mayor Pro Tem Himmelblau moved that the Council grant "C" Commercial, 1st Height and Area District, on the building portion, and "GR" General Retail, 1st Height and Area District on the rest of the area, subject to conditions. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau,  
Councilmembers Mullen, Snell, Trevino, Mayor McClellan  
Noes: None

The Mayor announced that the change had been granted to "C" Commercial, 1st Height and Area District on the building portion, and "GR" General Retail, 1st Height and Area District on the rest of the area, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

DOYLE CHAPMAN  
C14-77-157

7313 North Lamar  
Boulevard

From "A" Residence  
1st Height and Area  
To "C" Commercial  
1st Height and Area  
NOT Recommended by the Plan-  
ning Commission  
RECOMMENDED "C" Commercial,  
1st Height and Area on all  
but the eastern (rear) 25  
feet and "O" Office on the  
back 25 feet.

Mr. Lillie reviewed the application by use of slides. Staff had recommended that the rear 25 feet remain "A" Residence to prevent its use for parking, but "O" Office was acceptable. In response to Mayor Pro Tem Himmelblau's question, Mr. Lillie felt that "O" with buffering would protect the neighborhood adequately.

Mayor Pro Tem Himmelblau moved that the Council grant "C" Commercial, 1st Height and Area District, on all but the eastern (rear) 25 feet, and "O" Office, 1st Height and Area on the back 25 feet, as recommended by the Planning Commission. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell,  
Trevino, Mayor McClellan, Councilmember Cooke

Noes: None

Not in Council Chamber when roll was called: Councilmember Goodman

The Mayor announced that the change had been granted to "C" Commercial, 1st Height and Area District, on all but the eastern (rear) 25 feet, and "O" Office, 1st Height and Area District on the back 25 feet, and the City Attorney was instructed to draw the necessary ordinance to cover.

J. ALTON BAUERLE  
& DENNIS O.  
BAUERLE  
C14-77-164

Rear of 2100-2124 South  
Lamar Boulevard  
2119-2121 Oxford Avenue  
2110 Kinney Avenue

From "A" Residence  
1st Height and Area  
To "O" Office  
1st Height and Area  
NOT Recommended "O" on Tract 2  
RECOMMENDED "O" Office on  
Tract 1 (property fronting on  
Kinney Avenue, plus the portion  
on Oxford Avenue which is  
paved)

Mr. Lillie reviewed the application by the use of slides. MR. KEITH CAVANAUGH, 2106 Kinney Avenue, opposed the zoning change. An unidentified lady in the audience who resided at 2017 Oxford Avenue, wanted to know where there would be parking for the laundromat if Mr. Bauerle built an office. At that point the applicant was not present to answer questions.

#### Motion

Councilmember Goodman moved that the Council deny the zoning change. The motion died for lack of a second.

ALLEN BUSSLER expressed concern over traffic in the area. He suggested that the Council consider making one side of Kinney Avenue a "No parking" zone. Mayor McClellan asked that Mr. Tarnus look into the matter. At that point, Mr. Al Bauerle, the applicant, entered the Council Chambers to respond to questions.

Motion

Councilmember Goodman moved that the Council grant the alternate recommendation of the Planning Commission of "O" Office, 1st Height and Area District on Tract 1 (property fronting on Kinney Avenue) with no "O" Office on Oxford Avenue. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Trevino, Mayor McClellan,  
Councilmembers Cooks, Goodman, Mayor Pro Tem Himmelblau  
Noes: None

The Mayor announced that the change had been granted to "O" Office, 1st Height and Area District on Tract 1 (property fronting on Kinney Avenue) with no "O" Office on Oxford Avenue, and the City Attorney was instructed to draw the necessary ordinance to cover.

PIKE H. DOBBINS  
ET AL  
By Nelson Johnson  
C14-77-170

5002-5010 East Ben  
White Boulevard

From Interim "AA" Residence  
1st Height and Area  
To "C" Commercial  
1st Height and Area  
NOT Recommended by the Planning  
Commission.  
RECOMMENDED "GR" General Retail  
1st Height and Area

Mr. Lillie reviewed the application by the use of slides. MR. NELSON JOHNSON, representing the applicant, requested that the Council grant "C" Commercial instead of the recommended "GR" General Retail. Mr. Lillie pointed out that if the subject property were zoned "GR" then "C" could be placed on it by Special Permit since the property was across the street from more permissive zoning.

Councilmember Goodman moved that the Council grant "GR" General Retail, 1st Height and Area, as recommended by the Planning Commission, subject to Urban Transportation's recommendation on curb cuts. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Councilmembers Cooke,  
Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell  
Noes: None

The Mayor announced that the change had been granted to "GR" General Retail, 1st Height and Area, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

DORIS WILEY  
By Joe Bowles  
C14-77-160

6603 Manchaca Road

From "A" Residence  
1st Height and Area  
To "O" Office  
1st Height and Area  
NOT Recommended by the Planning  
Commission

Mr. Lillie reviewed the application by the use of slides. MR. BILL BROPHY, representing Joe Bowles and the property owner, stated that the property would be used for an insurance office if the zoning were granted. A circular driveway was proposed to reduce traffic backing onto Manchaca Road. Mr. Brophy described the surrounding property on Manchaca Road, most of which was of non-residential zoning. Traffic count in the area was extremely high. He felt that the requested zoning would help to protect the neighborhood.

MR. CLYDE WILEY, son-in-law of the actual owner of the property, Mrs. Pearl Smith, stated that he had set up the property as additional income for Mrs. Smith, who was in a rest home.

Councilmember Mullen moved that the Council grant "O" Office, 1st Height and Area District, subject to a restrictive covenant prohibiting a massage parlor and providing for a privacy fence as the ordinance requires. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Goodman, Mullen, Snell,  
Trevino  
Noes: Councilmember Cooke, Mayor Pro Tem Himmelblau

The Mayor announced that the change had been granted to "O" Office, 1st Height and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

VACKAR INTERESTS,  
INC.  
C814-77-009

Lost Creek Boulevard

A 28-unit residential  
Planned Unit Development  
called, "The Valley at Lost  
Creek"  
RECOMMENDED by the Planning  
Commission

Mr. Lillie reviewed the application through use of slides.

Councilmember Goodman moved that the Council grant the Planned Unit Development, as recommended by the Planning Commission. The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers  
Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke  
Noes: None

The Mayor announced that the change had been granted to a Planned Unit Development, and the City Attorney was instructed to draw the necessary ordinance to cover.

## PENDING ZONING APPLICATION

The Council took action on the following pending zoning application:

MARGARET WOLF	1609-1623 East 3rd	From "B" Residence
HART, ET AL	Street	1st Height and Area
By Robert Sneed	202-216 Chalmer also	To "C" Commercial and
C14-75-108	bounded by East 2nd	"A" Residence
	Street	1st Height and Area
		RECOMMENDED Dismissal by the
		Planning Commission

Councilmember Cooke moved that the Council dismiss the zoning application. The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

Ayes: Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell, Trevino, Mayor McClellan, Councilmembers Cooke, Goodman  
 Noes: None

The Mayor announced that the zoning had been dismissed.

## RELEASE OF EASEMENTS

Councilmember Cooke moved that the Council adopt a resolution to authorize release of the following easements:

The west four (4.00) feet of the east ten (10.00) feet of a Public Utility Easement of Lot 10, Block 1, Dunn Addition, a subdivision in the City of Austin, also known locally as 3903 Bailey Lane. (Requested by Mr. Joseph H. Matluck, owner of said Lot 10.)

The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Trevino, Mayor McClellan, Councilmembers Goodman, Cooke, Mayor Pro Tem Himmelblau  
 Noes: None

Councilmember Cooke moved that the Council adopt a resolution to authorize release of the following easement:

The release of two strips of a Public Utility Easement being all the north 128.29 feet of the east five (5.00) feet of said Lot 2, Block J and all the north 128.29 feet of the west five feet (5.00) of said Lot 3, Block J. The Four Seasons, Fall Section. (Requested by Mr. Ralph W. Harris, Registered Public Surveyor, for the owner Mr. Glenn Neans)

The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Trevino, Mayor McClellan,  
Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau  
Noes: None

Councilmember Cooke moved that the Council adopt a resolution to authorize release of the following easement:

The following four (4) strips of a Public Utility Easement, the south five (5.00) feet of Lot 65; the north five (5.00) feet of Lot 64; the north five (5.00) feet of the east 40.00 feet of Lot 49; and the south five (5.00) feet of the east 40.00 feet of Lot 48 all in Gray and Becker Industrial subdivision. (Requested by Mr. E. Shreve, owner of Lots 48, 49, 64 and 65)

The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Trevino, Mayor McClellan,  
Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau  
Noes: None

Councilmember Cooke moved that the Council adopt a resolution to authorize release of the following easement:

Seven and one-half (7.50) Public Utilities Easement along the south line of Lot 15 and the seven and one-half foot (7.50) Public Utilities Easement along a portion of the north line of Lot 18 of Northgate Terrace, Section 1. (Requested by Mr. George L. Sanders, Registered Public Surveyor, Metcalfe Engineering Co., Inc.)

The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Trevino, Mayor McClellan,  
Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau  
Noes: None

#### RENEWAL OF NATURAL GAS ADVISORY SERVICES

Councilmember Cooke moved that the Council adopt a resolution to renew natural gas advisory services with Mr. W. J. Murray, Jr., for the electric utility department. The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Trevino, Mayor McClellan,  
Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau  
Noes: None

## STP PROJECT SITE

Councilmember Cooke moved that the Council adopt a resolution to execute two separate acknowledgements of expiration of oil, gas and mineral leases which relate to the STP Project Site. The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Trevino, Mayor McClellan,  
Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau  
Noes: None

## WIRE LINE LICENSE

Councilmember Cooke moved that the Council adopt a resolution to authorize execution of a wire line license to permit the construction of a 69 KV power line along the Missouri Pacific Company's right-of-way. The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Trevino, Mayor McClellan,  
Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau  
Noes: None

## CONTRACTS APPROVED

Councilmember Cooke moved that the Council adopt a resolution to approve the following contract:

SOUTHWAY ELECTRIC UTILITY SERVICE	- CAPITAL IMPROVEMENTS PROGRAM,
3201 Longhorn Boulevard	Austrop Substation, Two 345
Austin, Texas	KV Air Switches, Electric Department
	Item 1; 2 ea. @ \$5,097.00
	Total: \$10,194.00

The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Trevino, Mayor McClellan,  
Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau  
Noes: None

Councilmember Cooke moved that the Council adopt a resolution to approve the following contracts:

Bid Award:	- Steel Shelving, Brackenridge Hospital
FRONTIER EQUIPMENT COMPANY	- Alternate Item 2 through 8 plus
11200 Harry Hines	installation - \$14,792.26
Dallas, Texas	
A.I.M., INC.	- Item 1 - \$3,164.40
4402 Chedder	
San Antonio, Texas	

The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Trevino, Mayor McClellan,  
Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau  
Noes: None

Councilmember Cooke moved that the Council adopt a resolution to approve the following contract:

MOTOROLA, INC. 300 East Huntland Austin, Texas	- Mobile Radios for Motorcycles, Vehicle & Equipment Services Department. Item 1; 6 ea. @ \$1,489.00 Total - \$8,934.00
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The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Trevino, Mayor McClellan,  
Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau  
Noes: None

Councilmember Cooke moved that the Council adopt a resolution to approve the following contract:

CAPITOL AMBULANCE SUPPLY 11309 Tedford Austin, Texas	- Emergency Lights and Sirens, Vehicle & Equipment Services Department. Item 1; 11 ea. @ \$544.97 Total - \$5,994.67
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The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Trevino, Mayor McClellan,  
Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau  
Noes: None

Councilmember Cooke moved that the Council adopt a resolution to approve the following contract:

NEELEY VENDING COMPANY 813 West North Loop Austin, Texas	- Food Service Concession Contract, Lions Municipal Golf Course, Parks and Recreation Department. One (1) year contract including options for three (3) additional one (1) year extensions. Estimated annual revenue to City - \$4,810.00.
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The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Trevino, Mayor McClellan,  
Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau  
Noes: None

CHANGE ORDER  
PAVING AND DRAINAGE IMPROVEMENTS

Councilmember Cooke moved that the Council adopt a resolution to approve a Construction Change Order in the amount of \$6,127.74 to Larson-Pugh, Inc., for paving and drainage improvements, William Cannon Drive from Brodie Lane to Manchaca Road. CAPITAL IMPROVEMENTS PROGRAM No. 76/62-21. The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Trevino, Mayor McClellan,  
Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau  
Noes: None

CHANGE ORDER  
WALNUT CREEK WASTEWATER TREATMENT PLANT IMPROVEMENTS

Councilmember Cooke moved that the Council adopt a resolution to approve a Change Order in the amount of \$11,840.23 for the Walnut Creek Wastewater Treatment Plant improvements. CAPITAL IMPROVEMENTS PROGRAM No. 73/59-01. The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Trevino, Mayor McClellan,  
Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau  
Noes: None

CHANGE ORDER  
SIDEWALK IMPROVEMENTS

Councilmember Cooke moved that the Council adopt a resolution to approve a Construction Change Order in the amount of \$8,657.00 to Jack A. Miller, Inc., for Community Development District Number One Sidewalk Improvements. CAPITAL IMPROVEMENTS PROGRAM, No. 75/75-20. The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Trevino, Mayor McClellan,  
Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau  
Noes: None

CHANGE ORDER  
POLICE VEHICLE SERVICE FACILITY

Councilmember Cooke moved that the Council adopt a resolution to approve a Change Order in the amount of \$15,000 to Maufrais Brothers, Inc., for the police vehicle service facility. CAPITAL IMPROVEMENTS PROGRAM, No. 73/87-05. The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Trevino, Mayor McClellan,  
Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau  
Noes: None

## LAND DONATED

Councilmember Cooke moved that the Council adopt a resolution to accept approximately twenty (20) acres of land donated for Parks and Recreation purposes by Mrs. Roberta P. Crenshaw. The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Trevino, Mayor McClellan,  
Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau  
Noes: None

The Mayor and Councilmembers expressed their thanks and appreciation to Mrs. Crenshaw for her donation to the City of Austin.

## SENIOR LUNCHEON PROJECT

Councilmember Cooke moved that the Council adopt a resolution to accept the Fifth Year renewal of the Austin/Travis County Senior Luncheon Project contract, consisting of \$198,832 in Title VII Older American Act Funds, and matching funds in the amount of \$23,610. (Contract period February 1, 1978 through January 31, 1979) The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Trevino, Mayor McClellan,  
Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau  
Noes: None

## YOUTH CONSERVATION CORP PROJECTS

Councilmember Cooke moved that the Council adopt a resolution to authorize submission of three grant applications totalling \$62,050 to the Texas Department of Community Affairs for '78 Youth Conservation Corp Projects. (City's share \$17,012 in funds and \$4,801.00 in-kind services.) The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Trevino, Mayor McClellan,  
Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau  
Noes: None

COMMUNITY DEVELOPMENT BLOCK GRANT PLAN  
AND APPLICATION

Councilmember Cooke moved that the Council adopt a resolution to approve a citizen participation plan for Fiscal Year 1978-79 Community Development Block Grant Plan and Application. The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Trevino, Mayor McClellan,  
Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau  
Noes: None

## PUBLIC PROPERTY SIGNS

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 3 OF THE AUSTIN CITY CODE OF 1967; PROVIDING FOR A NEW ARTICLE IV ALLOWING THE CITY COUNCIL TO GRANT PERMISSION FOR CERTAIN SIGNS TO BE ERECTED ON PUBLIC PROPERTY; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Cooke moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau, Councilmember Mullen  
Noes: None

The Mayor announced that the ordinance had been finally passed.

## ZONING ORDINANCES

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND ~~AREA~~ AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

A 3.92-ACRE TRACT OF LAND, LOCALLY KNOWN AS 3400-3418 SPICEWOOD SPRINGS ROAD AND ALSO BOUNDED BY BALCONES DRIVE AND MOPAC BOULEVARD (NORTHWEST CORNER), FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "O" OFFICE, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Thomas T. Smith, Trustee, C14-77-086)

Councilmember Cooke moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau, Councilmember Mullen  
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:  
LOT 2, ANN DAYTON ADDITION, LOCALLY KNOWN AS 8500 BEECH DRIVE, FROM "B" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (L. Scott Sousares & Ted M. Sousares, C14-77-152)

Councilmember Cooke moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately, as an emergency measure. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau, Councilmember Mullen  
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan brought up the following ordinance for its third reading:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:  
A 2.9-ACRE TRACT OF LAND, SAVE AND EXCEPT A FIVE-FOOT STRIP OF LAND ALONG WOODLEIGH STREET AND BRAESWOOD ROAD, WHICH SHALL REMAIN ZONED "B" RESIDENCE DISTRICT, LOCALLY KNOWN AS 123-129 WOODWARD STREET, 3402-3414 WOODLEIGH STREET, AND 201-203 BRAESWOOD ROAD, FROM "B" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; AND PROVIDING AN EFFECTIVE DATE. (Richard L. Matz & Adon Sitra, C14-77-112)

The ordinance was read the third time, and Councilmember Cooke moved that the ordinance be finally passed. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Cooke, Goodman  
Noes: Mayor McClellan, Mayor Pro Tem Himmelblau, Councilmember Mullen

The Mayor announced that the ordinance had been finally passed.

## TILLERY STREET IMPROVEMENTS

Mayor McClellan introduced the following ordinance:

AN ORDINANCE DECLARING THE NECESSITY FOR AND ORDERING THE PAVING AND IMPROVEMENT OF PORTIONS OF CERTAIN STREETS IN THE CITY OF AUSTIN, APPROVING PLANS AND SPECIFICATIONS FOR SUCH WORK, AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS, DIRECTING THE PREPARATION OF ESTIMATES, INVOKING THE ALTERNATE PROCEDURE PROVIDED BY ARTICLE I, SECTION 5 OF THE CHARTER OF THE CITY OF AUSTIN AND CHAPTER 106 OF THE ACTS OF THE FIRST CALLED SESSION OF THE 40TH LEGISLATURE OF TEXAS, DETERMINING THAT THE COST OF SUCH IMPROVEMENTS SHALL BE PAID BY THE CITY OF AUSTIN, PROVIDING A METHOD OF REIMBURSING THE CITY OF AUSTIN FOR A PORTION OF SUCH COSTS BY ASSESSMENT OF A PORTION OF SUCH COSTS AGAINST THE PROPERTY ABUTTING SUCH STREETS OR PORTIONS THEREOF TO BE IMPROVED, AND FOR THE FIXING OF A LIEN TO SECURE PAYMENT OF SUCH ASSESSMENTS, STATING THE TIME AND MANNER PROPOSED FOR PAYMENT OF ALL SUCH COSTS, DIRECTING THE CITY CLERK TO CAUSE A NOTICE OF THE ENACTMENT OF THIS ORDINANCE TO BE FILED IN THE MORTGAGE OR DEED OF TRUST RECORDS OF TRAVIS COUNTY, TEXAS, AND DECLARING AN EMERGENCY.  
(Tillery Street, CIP No. 73/62-37)

Councilmember Cooke moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau, Councilmember Mullen  
Noes: None

The Mayor announced that the ordinance had been finally passed.

## AGENDA ITEM POSTPONED

Councilmember Cooke moved that the Council postpone approving the following contract:

ROYCE CONSTRUCTION COMPANY	- CAPITAL IMPROVEMENTS PROGRAM,
2010 Lazy Brook Circle	South Austin Fire Station.
Austin, Texas	Construction contract in the amount
	of \$280,880.00 CIP No. 73/83-05

The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell  
Noes: None

## RECESS

The Council then recessed at 12:30 p.m., and reconvened at 2:30 p.m.

## FOOTBALL GAME

MR. JOHN LIMON and MS. ROSALIO DURAN appeared before the Council to formally challenge the Council to a football game on January 7, 1978, at 11:30 a.m., at Zaragosa Park. The Council intrepidly accepted the challenge!

## BANNER

Councilmember Trevino moved that the Council approve a request made by MR. TED WHITE, Executive Director of Highland Lakes Tourist Association to hang a banner in the 6500 block of Airport Boulevard from Monday, January 16, to Monday, January 30, 1978. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell, Trevino  
Noes: None

## PROPERTY DISCUSSION

Mr. Lawrence Brown, Jr., requesting to appear before the Council to discuss property (908 square feet of Lot 8) located in the F. Wilhelm, Sr., Subdivision, did not appear to speak before the Council.

## PUBLIC HEARING ON INDUSTRIAL WASTE ORDINANCE

Mayor McClellan opened the public hearing scheduled for 2:30 p.m. Dr. Maureen McReynolds, Director of the Environmental Resource Management Department, told the Council that the proposed Ordinance was a revision to the current Industrial Waste Ordinance. She stated that the biggest change in the Ordinance is that it has been divided into two Ordinances; a Sanitary Sewer Ordinance and a Storm Sewer Ordinance. Dr. McReynolds indicated that this made administration easier and instituted separate provisions for the two different places of discharge. She then cited the changes from the original Ordinance. They are as follows:

1. Housekeeping changes.
2. Definition changes.
3. Modification in some of the prohibitive waste standards.
4. New Language.
5. Feed change.

Dr. McReynolds also cited some of the more recent changes in the proposed Ordinance since first draft was presented to the Council. They are as follows:

1. Single pass cooling water.
2. Page 12/Sanitary Sewer Ordinance: Item (1) "Barber Shops, Barber Schools, Beauty Shops, and Beauty Schools" is added to the list of exemptions.
3. Page 15. The use of "wastewater average" to calculate volume and its definition are added for clarification.
4. Page 17. A modification of the paragraph that deals with trade secrets.

Mayor Pro Tem Himmelblau inquired as to the reason behind exempting Barber Shops and Beauty Shops. Mr. Curtis Johnson, Director of the Water and Wastewater Department, indicated that Barber Shops and Beauty Shops did not constitute an industrial waste customer. Councilmember Goodman asked if any consideration had been given to grease traps, such as would be used in gasoline stations to drain off excess gasoline spills. Dr. McReynolds indicated that it was the opinion of the Engineering Department that gasoline is a very volatile substance and that trapping it in a sewer may pose some explosive problems. They felt that natural evaporation was a better solution to gasoline spills. She stated that a research project is currently underway to study prevention of pollution of creeks and waterways by gasoline spills.

MR. JAY JOHNSON, President of the Austin Restaurant Association, told the Council that it was difficult for restaurants to come into compliance with the provisions of health regulations when the amount of time needed to do certain work exceeded interim correction periods imposed by the City. He also felt that the proposed Ordinance lacked clarity for the persons effected by it. Mr. Johnson stated that penalties for violations were also too severe. Mr. Johnson stated that he was unaware of any provisions in the Ordinance that would effect the restaurant industry. He stated that regulation in this area has not changed since enactment of the original Ordinance in 1971. Mr. Johnson stated that certain EPA (Environmental Protection Agency) regulations pertained to the restaurant business but that the City had no control over that. Mr. Johnson asked that rather than businesses be shut down for violations that may take time to correct, that the City work with the owner of the business in correcting the subject violation.

Mayor McClellan introduced the following ordinance: (Sanitary Sewer)

AN ORDINANCE REGULATING THE DISCHARGE OF INDUSTRIAL WASTE INTO THE SANITARY SEWERAGE SYSTEM OF THE CITY OF AUSTIN BY REPEALING SECTION 612 UNIFORM PLUMBING CODE (AMENDMENTS) OF CHAPTER 42 OF THE AUSTIN CITY CODE OF 1967 PROVIDING A NEW SECTION 612a THEREFOR; DEFINING TERMS; REQUIRING CONTROL MANHOLES; PROVIDING FOR PERMITS FOR DISCHARGING INDUSTRIAL WASTE INTO A PUBLIC SEWER; AUTHORIZING DISCONNECTION OF WATER AND/OR SANITARY SEWER SERVICE TO PERSONS VIOLATING THIS ORDINANCE; PROVIDING FOR INSPECTION AND SAMPLING OF INDUSTRIAL WASTE; PROHIBITING THE DISCHARGE OF CERTAIN LIQUID WASTES INTO PUBLIC SEWERS; REQUIRING PRETREATMENT OF CERTAIN INDUSTRIAL WASTES; PROVIDING AN ABNORMAL SEWAGE SURCHARGE; PROVIDING FOR A FEE FOR TREATING ABNORMAL INDUSTRIAL WASTE; AUTHORIZING THE DIRECTOR OF THE WATER AND WASTEWATER DEPARTMENT TO DETERMINE THE SUFFICIENCY OF PRETREATMENT; MAKING THIS ORDINANCE CUMULATIVE OF PRIOR ORDINANCES; REPEALING ALL ORDINANCES AND PROVISIONS OF THE AUSTIN CITY CODE IN CONFLICT HERewith; PROVIDING REMEDIES; PROVIDING PENALTIES; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

Councilmember Goodman moved that the Council close the public hearing, waive the requirement for three readings, declare an emergency and finally pass the ordinance as an emergency measure, and have staff report back to the Council on January 12, 1978, with an amendment relative to procedures to be utilized with the ordinance. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau,  
Councilmembers Mullen, Snell, Trevino, Mayor McClellan  
Noes: None

The Mayor announced that the ordinance had been finally passed.

The Mayor introduced the following ordinance: (Storm Sewer)

AN ORDINANCE REGULATING THE DISCHARGE OF INDUSTRIAL WASTE INTO THE STORM SEWERS AND WATERCOURSES OF THE CITY OF AUSTIN BY REPEALING SECTION 612 UNIFORM PLUMBING CODE (AMENDMENTS) OF CHAPTER 42 OF THE AUSTIN CITY CODE OF 1967; PROVIDING A NEW SECTION 612b THEREFOR; DEFINING TERMS; PROVIDING FOR PERMITS FOR DISCHARGING INDUSTRIAL WASTE INTO STORM SEWERS AND WATERCOURSES; AUTHORIZING DISCONNECTION OF WATER AND/OR SANITARY SEWER SERVICE TO PERSONS VIOLATING THIS ORDINANCE; PROVIDING FOR INSPECTION AND SAMPLING OF INDUSTRIAL WASTES; PROHIBITING THE DISCHARGE OF CERTAIN LIQUID WASTES INTO STORM SEWERS AND WATERCOURSES REQUIRING PRETREATMENT OF CERTAIN INDUSTRIAL WASTES; AUTHORIZING THE DIRECTORS OF THE HEALTH DEPARTMENT TO DETERMINE THE SUFFICIENCY OF PRETREATMENT; MAKING THIS ORDINANCE CUMULATIVE OF PRIOR ORDINANCES; REPEALING ALL ORDINANCES AND PROVISIONS OF THE AUSTIN CITY CODE IN CONFLICT HERewith; PROVIDING REMEDIES; PROVIDING PENALTIES; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

Councilmember Goodman moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance as an emergency measure, and have staff report back to the Council on January 12, 1978, with an amendment relative to procedures to be utilized with the ordinance. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau,  
Councilmembers Mullen, Snell, Trevino, Mayor McClellan  
Noes: None

The Mayor announced that the ordinance had been finally passed.

#### HEARING ON SPECIAL PERMIT SIGN VARIANCE

Mayor McClellan opened the public hearing scheduled for 3:00 p.m. on an appeal by Richard and Shirley Marquis, on the decision of the Planning Commission granting a sign variance located at 6500 Manor Road to Kennie Sneed. Mr. Dick Lillie, Director of the Planning Department, told the Council that the subject property was zoned "O" Office and was adjacent to a Local Retail zoning. He stated that an application was made for a free-standing sign which is permitted in a Local Retail district. The Planning Commission recommended approval of the request for a special permit allowing the sign, subject to Ordinance requirements and department recommendation. Mr. Lillie pointed out

that persons aggrieved by the decision of the Planning Commission have the right to appeal the decision before the Council, and that this was the basis of the appeal being made by Richard and Shirley Marquis.

MR. RICHARD MARQUIS told the Council that he owns the property on North-east Drive which borders the Sneed property. Mr. Marquis objected to erection of the sign because light from the sign shines into his upstairs bedroom.

MR. JACK WHITE told the Council that the subject sign was not necessary since the business being advertised was the only one in the immediate area. He stated that there were other means of identification that could be utilized that would not interfere with someone else's private life.

MS. JOANN BARTZ, Zoning Chairman of the University Hills Homeowners Association, stated that her organization felt that Mr. Sneed's business was compatible with the community but they objected to the size of the sign. They also did not feel that the sign needed to be lighted. The Association requested that the Council allow only a sign for identification purposes and drop the reader board and lighting.

MS. MARY ALICE BROWN, President of the University Hills Homeowners Association, endorsed the statements made previously by Ms. Joann Bartz. On behalf of the President of the Pecan Springs Integrated Neighborhood Association, Ms. Brown stated that that organization was in opposition to the sign.

MR. KENNETH SNEED, applicant for the sign, told the Council that his sign was only 15 feet high and was a fluorescent type sign. He stated that the sign would not be facing Mr. Marquis' home and that he would not be able to see the sign at all. Councilmember Mullen asked Mr. Marquis if he would be in favor of some sort of shade over the sign that could help filter some of the light coming into his residence. Mr. Marquis replied that he would be open to any proposal that could improve the situation.

Motion -- Died for Lack of a Second

Mayor Pro Tem Himmelblau moved that the sign not be permitted. The motion died for lack of a second.

Motion

Councilmember Trevino moved that the Council close the public hearing, and uphold the decision of the Planning Commission to approve the request for a special permit allowing the sign to be erected. The motion was seconded by Councilmember Snell.

Friendly Amendment

Councilmember Mullen amended the motion to include a one-foot (1) extension on both sides of the sign facing the residential area to buffer the light. The friendly amendment was accepted by Councilmember Trevino.

Roll call on the motion with friendly amendment, showed the following vote:

Ayes: Councilmembers Mullen, Snell, Trevino, Mayor McClellan,  
Councilmembers Cooke, Goodman  
Noes: Mayor Pro Tem Himmelblau

Mayor McClellan introduced Mrs. Carole Mullen and noted that Councilmember and Mrs. Mullen are celebrating their eighteenth wedding anniversary today.

#### STREET VACATING

Mayor McClellan opened the public hearing scheduled for 3:30 p.m. to consider vacating the following street and alley and passage of an ordinance:

WABASH AVENUE from the West 38th Street southerly to the east line of the relocated portion of Wabash Avenue at West 37th Street; and WEST 35TH STREET ALLEY which traverses Block 5, Penn Park from Wabash Avenue to North Lamar Boulevard.  
(Requested by Margaret L. Gosselink, Attorney-at-Law, representing Seton Medical Center.)

Mr. John German, Director of Public Works, told the Council that the two pieces of right-of-way are near Seton Hospital. He stated that in July of 1974, the hospital agreed to a plan to dedicate a right-of-way for a new Wabash Avenue connection at 38th Street to tie it in with Medical Parkway. This was part of the 38th Street widening project. Mr. German stated that at the same time the City Council agreed to vacate the old portions of Wabash and the alley at such time as the new Wabash Avenue was constructed. He stated that Seton Hospital was asking that the City go ahead with vacation of the two pieces of right-of-way. He stated that the hospital has paid the \$100 filing fee and since there were previous agreements and exchanges of land, there's no requirement that the hospital pay for the vacated right-of-way. Mr. German stated that the proposal has been reviewed by City staff and presented before the Planning Commission on December 7, 1977, and that everyone has recommended approval.

MS. MARGARET L. GOSSELINK, representing Seton Hospital, requested that the Council take the recommended action in relation to the street vacation.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING THAT CERTAIN PORTION OF WABASH AVENUE AND WEST 35TH STREET ALLEY, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Goodman moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan,  
Councilmember Goodman, Mayor Pro Tem Himmelblau,  
Councilmember Mullen

Noes: None

Not in Council Chamber when roll was called: Councilmember Cooke

The Mayor announced that the ordinance had been finally passed.

#### ELECTRIC RATE REPORT

MR. PAT LOCONTO, Director of Management/Services Operations for Touche Ross Consultants, made a presentation to the Council. Councilmember Goodman remarked that he liked the drama of receiving the consultants' report at the Council meeting but that from a more functional viewpoint, he would like to receive it prior to the meetings in order to have time to review the material. Mr. Loconto then gave a statistical analysis of the revenue requirements for the City electric system, which compared current electric rates to proposed rates and designated percentages of increase and decrease by customer class. He also stated that the revenue requirement for the City had decreased from \$144 million in the initial Touche Ross report, down to \$138 million. He stated that this was due to the fact that the cost of fuel had decreased from 2.681 cents per KWH down to 2.466 cents per KWH. He also made a comparative analysis which reflected this change in percentages. The statistical analysis/report is as follows:

#### Revenue Requirements for Fiscal 1978

Customer Classes	Current Rates	Proposed Rates	Percent Increases (Decreases)	% of Change From Initial Report to the Current Report
Residential-Combined Fuels	\$ 45,279	\$41,046	-9.35%	-6.1%
Residential-Space-Heating	11,159	10,220	-8.41%	-9.8%
General Service-Space-Heating-Nondemand	231	207	-10.38%	-10.7%
General Service-Combined Fuels-Nondemand	7,696	6,682	-13.17%	-13.9%
General Service-Space-Heating-Demand	4,196	4,576	+9.06%	+6.6%
General Service-Combined Fuels-Demand	51,178	54,176	+5.86%	+3.2%
Large General Service-Over 3,000 Kilowatts	5,672	6,033	+6.36%	+10.8%
Large General Service-Combined Fuels	6,040	6,637	+9.88%	+7.4%
Large General Service-Space-Heating	2,333	2,561	+9.77%	+6.2%
Street Lighting/Traffic	762	2,244	+194.48%	+178.8%
Water and Wastewater	1,659	1,888	+13.80%	+12.2%
Other City	1,154	1,294	+12.13%	+10.6%
Nightwatchman	277	242	-12.63%	+31.4%
Special Contract	688	638	-4.49%	-5.4%
<b>Total System</b>	<b>\$138,304</b>	<b>\$138,444</b>	<b>+0.1 %</b>	<b>-0.01%</b>

Mr. Loconto indicated that fuel costs will rise in 1978 to approximately \$5 million which turns out to be about 8.41%. Other costs between 1977-78 rose 11.02%. These two increases average out to an approximate 10% increase in 1978. He stated that whereas revenue requirements of customer classes is essentially the same between current and proposed rates, the rates did change by individual class due to decisions made concerning the differential. Mr. Loconto indicated that the customer service charge has been increased to \$3.00. He stated that they have changed the declining block billing set-up to 2 declining blocks in the summer and 1 declining block in the winter. Referring to a Summary of Impacts sheet, Mr. Loconto indicated that under the category of Residential Combined Fuels, the class average decrease for 1977 was 9.3%. This data was taken from a random sample of 27 residential utility customers. He pointed out that the rate structure is such that persons with good load factors during the Summer/Winter periods will receive decreases in their utility bills while persons with poor load factors will not. Mr. Loconto suggested that some utility customers should be investigated to determine if that customer should be all-electric. Councilmember Goodman asked why it was considered necessary to collect a portion of the demand costs for residential customers during the Winter period. Mr. Loconto indicated that collecting demand costs from residential customers solely during the Summer period would be too impacting on the residential user and that collecting a portion of the costs during the Winter period would improve revenue stability and reduce heavy economic impacts during the Summer period.

Mr. Loconto, in referring to the Residential/Space-Heating category, pointed out that the customer charge for this category would be higher than for the previously mentioned category for Residential-Combined Fuels. The Residential Space-Heating category encompasses all-electric users, and the base charge per customer in this category is \$3.50. The declining block set-up for this category would also be 2 blocks in the Summer and 1 block in the Winter. Mr. Loconto stated that they were recommending that all demand charges for this category be collected during the Summer period. In referring to the Impact Summary, Mr. Loconto stated that the class average for this category was a 8.4% decrease.

Under the General Service/Combined Fuels category of the report, the proposed customer charge is \$4.50. For this category the consultant recommends two declining blocks in the Summer period and a flat rate in the Winter period. Mr. Loconto stated that 100% of the demand costs for this category would be collected during the Summer period. In referring to the Impact Summary, Mr. Loconto stated that the class average for this category was a 13.2% decrease. The random samples taken for this category were generally from schools. He stated that this category also penalizes individuals for having poor load factors.

Under General Service/Space-Heating, the customer charge is \$6.00 and the category has 2 declining blocks in the Summer period and 1 in the Winter period. The average class decrease for this category is 10.4%.

In regard to the Demand Metered Customers of the General Service/Combined Fuels category, the customer charge is \$4.50 and there is no declining block structure. Customers will be billed at a fixed rate of 1.2 cents per Kilowatt Hour. Demand charges for this category will be collected at a rate of 60% in the Summer period and 40% in the Winter period. Class average for this category represents a 5.9% increase.

In regard to the Demand Metered Customers of the General Service/Space-Heating category, the customer charge is \$6.00 and there is no declining block structure. Customers will be billed at a fixed rate of 1.2 cents per Kilowatt Hour. Demand charges for this category will be collected at a rate of 70% in the Summer period and 30% in the Winter period. Class average for this category represents a 9.0% increase.

In regard to the Large General Service Over 3,000 Kilowatts category, the customer charge is \$121, and the declining block rate has been changed to a fixed rate. Mr. Loconto indicated the demand charge has been changed to two blocks in the Summer period and one block in the Winter period. This reflects a recovery rate of 70% during the Summer and 30% during the Winter. The average class increase is 6.4%.

In regard to the Large General Service Under 3,000 Kilowatts category, the customer charge is \$121, and the declining block rate has been changed to a fixed rate. The demand charge reflects a 60% cost recovery in the Summer and a 40% cost recovery in the Winter. The average class increase is 9.9%.

In regard to the Large General Service/Space-Heating category, the customer charge is \$121, and demand costs are recovered at the rate of 70% in the Summer and 30% in the Winter.

Mr. Loconto then summarized his presentation. He stated that what was finally needed was Council approval of the revenue requirements by class, the rate structure itself and then approval of the actual rates. Mayor McClellan asked what could be done about the excessively high charges to Demand Metered Customers. She felt that this was not in line with the 1.4 differential chosen by the Council. Mr. Loconto pointed out that his calculations were for fiscal 1978 and that the 1.4 differential was set to go into effect in 1979. In response to a question from the Mayor, Mr. Loconto stated that the charges for demand customers could be gotten more in line by shifting charges within classes. Mayor McClellan stated that she would like to have the Electric Utility Commission look at the report also. She suggested the Council meet jointly with the Commission to discuss the impacts of the proposed rate structure and also the service requirements, which had previously been scheduled for January 26, 1978.

#### Motion

Councilmember Mullen moved that the Council hold a joint public hearing with the Electric Utility Commission on January 18, 1978, at 7:00 p.m., to discuss the impact of the proposed rate structure and also service requirements. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Trevino, Mayor McClellan, Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell  
Noes: None

Councilmember Mullen asked Mr. Loconto to prepare a summary report of his presentation, that is condensed down to 10 pages or less. Mr. Loconto replied that he could do this.

Mr. Monty Nitcholas, Director of the Finance Department, told the Council that due to a six-month lag period, there was an accumulated fuel cost currently in the City financial records which has not yet been collected for. Mr. Nitcholas recommended deferring the cost over a period of time before collection. He left a report with the Council for review. Mayor McClellan asked that the Electric Utility Commission also look at the report and advise the Council as to what to do about it.

BID AWARD  
BRACKENRIDGE HOSPITAL, PHASE 2B

The Council had before it a resolution for a bid award in the amount of \$159,492.38 for hospital project Phase 2B, CIP, medical and other equipment, for the Capital Improvements program. Councilmember Cooke asked who, besides the staff, reviews such purchases. Mr. Spurck, Administrator, Brackenridge Hospital, replied that purchases are federally supervised under the Hill-Burton Act. Input into selection of bids, he said, starts at the department head level of the hospital with consultation between himself and Mr. Moffett. He said the request is then submitted to Mr. Solon Bennett, Director of Purchases and Stores, for the bid process. The Hospital Board reviews it and is aware of the overall picture but does not pick out specific items. Mr. Moffett, explained that the department heads determine what is needed by the hospital through oral discussion with medical staff, surgical advisory, etc. The information is then transmitted to Hill-Burton (Department of Health), then to Dallas, then to Washington, and then back to Brackenridge. Mr. Cooke asked how much more equipment will be bid. Mr. Moffett said \$1.5 million has already been approved and purchased. They are asking for approval of \$159,492 today and in about six weeks they will ask for approval of \$540,000.00 more. The whole budget is \$2.5 million. He said he does not expect to come in less than \$100,000.00 under budget, based on prices he has seen. Mr. Moffett said that all significant equipment will be in Austin in April, based on approval of equipment today and future purchases.

Motion

Councilmember Cooke moved that the Council adopt a resolution to approve the following contracts:

Bid Award:	- Hospital Project Phase 2B, CIP, Medical & Other Equipment - \$159,492.38
R. P. KINCHELOE COMPANY 806 Capital Court Austin, Texas	- Item No. 51 - \$37,000.00
AMERICAN STERILIZER P. O. Box 569 Richardson, Texas	- Item Nos. 23-41, 45, 47 & 48 - \$36,532.00
MEDI-RENTS, INC. 4201 Bellaire Houston, Texas	- Item Nos. 54-57 - \$30,039.28

GENTEC HOSPITAL SUPPLY 2131 Theo Drive Austin, Texas	- Item Nos. 42,44,46,49 & 58 - \$28,364.25
A.I.M., INC. P. O. Box 88083 Houston, Texas	- Item No. 50 - \$15,439.00
HILL-ROM 11203 Pinehurst Drive Austin, Texas	- Item No. 59 - \$10,874.55
MEDLINE INDUSTRIES, INC. 500 E. Riverside Drive #130 Austin, Texas	- Item No. 43 - \$1,243.30

The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Mayor Pro Tem  
Himmelblau, Councilmembers Mullen, Snell, Trevino  
Noes: None

#### BIDS FOR VEHICLE & EQUIPMENT SERVICES DEPARTMENT

The Council had before it a resolution to purchase light duty trucks for the Vehicle & Equipment Services Department. Councilmember Cooke commented that Council had budgeted \$4.2 million dollars for vehicles. He said this was the second of two major considerations...three-quarters of a million dollars has already been appropriated for replacement and new vehicles, today's request is for about \$300,000 in equipment. He said some of it is for new vehicles and he is not satisfied with the justification for purchase of same. Mr. Cooke said it looks like new vehicles are being added to replace loaners and to provide people to facilitate jobs and things like that, and that's not enough justification for buying \$5,000 and \$6,000 vehicles, in his opinion. Mr. Les Rogers, Vehicle Services Department, answered that from time to time due to added work loads and so forth throughout the year, he is called upon to make available additional vehicles which they do not have. So, he said, they pull a vehicle out of salvage with the stipulation they will keep it patched until the department that is short of vehicles, budgets for one. These salvaged vehicles are called "loaners." Mr. Homer Reed, Deputy City Manager, said the principle justification of these vehicles is conducted at the time the budget is prepared, but he said they would defer this request a week and prepare a more extensive statement of utilization of these vehicles. Mr. Rogers explained to Mr. Cooke that the approved \$4.2 million dollars for replacement vehicles is theoretically already money in the bank. He said this was decided several months before budget time, and his department will not overspend. The additional vehicles, he explained, are budgeted in a particular department and do not come out of the \$4.2 million dollars. He said it's like a desk, or anything else, that supports that particular agency. Mr. Reed informed the Council that this item will be pulled and additional information will be provided for next week's meeting. Mr. Mullen requested particular information be brought back concerning one of the items on the agenda (C.5.d.(5) - LT-3 1,2,3) (COURTESY DODGE, INC.) i.e. weight specifications.

CONTRACT  
CASWELL HOUSE RESTORATION

A construction contract in the amount of \$60,436 for restoration of the Caswell House was questioned by Councilmember Cooke. He wanted to know how much work would be left to do after this contract is completed. Mr. Al Eldridge, Director of Construction Management, answered that this contract was for exterior restoration to rescue the house from extreme peril. This will include replacement of the foundation, pointing of the walls up to grade, removal of the back porch, removal of interior walls that do not have adequate foundation, a french drain, and plywood covers for the windows rather than expensive restoration of same. He stated that one estimate for the total restoration of the house came to over \$300,000.

Councilmember Cooke moved that the Council adopt a resolution to approve the following contract:

J. L. MAYFIELD COMPANY, INC. 335 West Olmos Drive San Antonio, Texas	- CASWELL HOUSE RESTORATION, Construction Contract in the amount of \$60,436.00
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The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke  
Noes: None

CONTRACT  
CONRAD ROAD AND WEST COW PATH CONSTRUCTION

Councilmember Mullen moved that the Council adopt a resolution to approve the following contract:

U. C. I. CONSTRUCTION COMPANY 1413 Sam Bass Road Round Rock, Texas	- CAPITAL IMPROVEMENTS PROGRAM, Construction contract for Conrad Road and West Cow Path 8-inch wastewater mains - \$78,638.10 CIP No. 73/50-02
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The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell, Trevino, Mayor McClellan, Councilmembers Cooke, Goodman  
Noes: None

CHANGE ORDER  
MOPAC WATER AND WASTEWATER ADJUSTMENTS

Mr. Curtis Johnson, Director of Water and Wastewater, answered the questioning of Councilmember Cooke concerning request for Council to approve a Change Order in the amount of \$7,695 for MoPac water and wastewater Adjustments. An error in development of the original plan caused the request for the Change Order because of staff error in developing plans. Mr. Johnson said that it was "human error." Originally it was anticipated that this line would not have to be relocated and when construction was started, it was confirmed that it would.

Councilmember Cooke moved that the Council adopt a resolution to approve a Change Order in the amount of \$7,695 to United Construction Company for MoPac water and wastewater adjustments. CAPITAL IMPROVEMENTS PROGRAM, 4084 8 and 5066 6. The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Trevino, Mayor McClellan,  
Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau  
Noes: None

APPROACH MAIN  
WEDGEWOOD SECTION TWO SUBDIVISION

The Council had before it consideration of authorization for an 8-inch water approach main to serve the Wedgewood Section Two Subdivision, Haskell Hudson, owner, for an estimated cost to the City of \$5,504.00. Councilmember Goodman asked why there is a separate policy here for the water approach main in contrast to the wastewater approach main, and wondered how the City is able to do this...what policy is being used. Mr. Curtis Johnson, Director of Water and Wastewater, said there is and has been a different policy for outside-the-City water approach mains in accordance with a 1974 ordinance. He said this is different than the policy governing installation inside the City. It also provides for additional things than the inside-the-City policy. Mr. Johnson feels that it is confusing to have two separate policies and at the present time his staff is drafting a document to forward to the City Manager's office pointing out some of the confusion. A report will then be forwarded to the Council for their decision as to whether or not to meld the two policies into one. Mayor Pro Tem Himmelblau said she does not understand why the City is paying for this one. She thought the City only paid for oversizing. Mr. Johnson explained the formula used for calculating the fee charged to a subdivision. After further discussion concerning the history of the approach main policy the following motion was made:

Councilmember Cooke moved that the Council adopt a resolution to authorize an 8-inch water approach main to serve the Wedgewood, Section Two, Subdivision, Haskell Hudson, owner. (Estimated cost to the City - \$5,504.00) The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau,  
Councilmember Mullen  
Noes: None

## SCREENING COMMITTEE FOR MUNICIPAL COURT JUDGES

Mayor McClellan announced that the Council had a meeting on December 19, 1977, to discuss appointment of a seven-member Bar Association Screening Committee for Municipal Court judges in order to speed up selection of same. She asked Councilmembers to submit suggestions for appointments and they replied with the following:

Councilmember Cooke	- Dick Baker
Mayor McClellan	- Pam Giblin
Mayor Pro Tem Himmelblau	- Alvin Golden
Councilmember Mullen	- Tom Curtis
Councilmember Snell	- Bobby Taylor
Councilmember Goodman	- Mac Kidd
Councilmember Trevino	- Gab Gutierrez

Councilmember Trevino stated: "I was not present when the Council had a Special Called Meeting, and I read from the reports in the papers that Council decided that they would keep the names of the applicants for the Municipal Court secret. I want it to go on record that I do not agree with that position. I feel that the applicants for Municipal Court should be a matter of public information, very much like all the other Boards and Commissions for the City that we appoint. Certainly the public has a right to at least know the names of those individuals under consideration." Mayor McClellan said, "Councilmember Trevino, we always stated that you were not present at that meeting, and that was a 6-0 public vote that was taken at that time, with discussion centering around how the other six members of the Council felt this differed somewhat from regular Board and Commission appointments because these people are in professional jobs. When people apply for Boards and Commissions, they are not resigning jobs to do so, and the Councilmembers at that time spoke to concern about protecting these persons professionally."

Councilmember Trevino moved that the Council adopt a resolution to approve the appointment of Dick Baker, Pam Giblin, Alvin Golden, Tom Curtis, Bobby Taylor, Mac Kidd and Gab Gutierrez to a Bar Association Screening Committee for Municipal Court Judges. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell  
 Noes: None

## TEXAS DEPARTMENT OF WATER RESOURCES

Councilmember Trevino moved that the Council adopt a resolution to the Texas Department of Water Resources concerning direct discharge of wastewater effluent into Lake Austin and its tributaries. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor McClellan, Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell, Trevino  
 Noes: None  
 Not in Council Chamber when roll was called: Councilmember Cooke

SETTING A PUBLIC HEARING  
WATER AND WASTEWATER CHARGES

Councilmember Goodman moved that the Council set a public hearing for 7:00 p.m. on January 18, 1978, on revising the minimum monthly charge for water and wastewater. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau,  
Councilmembers Mullen, Snell, Trevino, Mayor McClellan  
Noes: None

WATER AND WASTEWATER APPROACH MAIN CONTRACTS

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR THE DEPUTY CITY MANAGER OF THE CITY OF AUSTIN TO ENTER INTO A CERTAIN WATER APPROACH MAIN CONTRACT WITH FIRST SERVICE CORPORATION; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Lakewood PUD)

Councilmember Mullen moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers  
Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke  
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR THE DEPUTY CITY MANAGER OF THE CITY OF AUSTIN TO ENTER INTO A CERTAIN WASTEWATER APPROACH MAIN CONTRACT WITH JAGGER ASSOCIATES, INCORPORATED; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Countryside, Section 1, and Bee Caves, Section 1)

Councilmember Mullen moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers  
Mullen, Snell, Trevino, Mayor McClellan, Councilmember Cooke  
Noes: None

The Mayor announced that the ordinance had been finally passed.

## MESSAGE BUSINESS ORDINANCE

Mayor McClellan referred to a new draft of the Massage Business Ordinance which the Council has received. (City Clerk did not receive a copy)

The Mayor said the term "parlor" has been changed to "business." The section requiring the keeping of patrons names has been eliminated. The method of appeal from denial of revocation or suspension of license has been changed. City Attorney Jerry Harris referred to a change on Page 2 of the draft that has been made. Mayor Pro Tem Himmelblau referred to educational requirements and wanted to know if there is reciprocity with other schools outside the State of Texas. City Attorney Harris said the other accrediting schools across the nation could be added to it. Councilmember Mullen asked for the report Council had suggested regarding massage businesses within 500 feet of residences. Mr. Lillie, Director of Planning, said the listing has been requested from the Legal Department and will be posted on an aerial map to show location, but he does not know where they are right now. Mr. Lillie estimated about 75% of the businesses will be within 500 feet of residences. Councilmember Snell questioned whether the number really need be known. Mr. Mullen said that hours of those situated near residences can be regulated differently than those situated away from residences.

Motion - Died for Lack of Second

Councilmember Goodman moved that the Council postpone the vote on the Massage Business Ordinance for one week. The motion died for lack of a second.

Mayor McClellan said she saw no necessity for postponement. She said that at the last meeting an ordinance had been passed regulating zoning of massage businesses to within 500 feet of residences, schools, playgrounds, churches, etc. The same principle, she thought, should apply here. If intrusion into neighborhoods is to be prevented, then hours of operation should be governed according to where the massage business is located. Mr. Lillie said the tentative schedule for the Planning Commission is to place this item on the agenda for January 10, 1978, and set a public hearing for the second week in February. During that 30-day period they will be putting all the information together along with ordinances from other cities. Then, Mr. Lillie said, they can get back to the Council with the zoning portion by the end of February.

Motion

Mayor Pro Tem Himmelblau moved to accept the Massage Business Ordinance as drafted. Mayor McClellan seconded the motion.

Councilmember Cooke said he is having trouble with several items of the Ordinance. He thinks the license fee is arbitrary, regulation of nude massages will be difficult, specification of hours is a problem, and he cannot support those aspects of the proposed Ordinance.

Councilmember Snell said he hated to see dictation of education to determine whether or not someone can remain in business.

Amendment to the Motion

Councilmember Cooke moved that the Council amend the Massage Business Ordinance Section 18.10, reduction of license fee for operator from \$100 to \$50 and license fee for massagers from \$25 to \$10. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Cooke, Goodman  
Noes: Mayor McClellan, Mayor Pro Tem Himmelblau, Councilmember Mullen

Councilmember Mullen made comments about the fiscal impact and said he preferred to leave the fees as stated in the proposed ordinance.

Amendment to the Motion

Councilmember Cooke moved that the Council amend the Massage Business Ordinance to delete the second paragraph (sanitation and health requirements) from Section 18.14 (Section 18.13 in one of the drafts). The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Trevino, Cooke, Goodman, Snell  
Noes: Mayor McClellan, Mayor Pro Tem Himmelblau, Councilmember Mullen

Amendment to the Motion

Councilmember Cooke moved that the Council amend Section 18.16 of the Massage Business Ordinance to state: "No massage business shall be kept open for any purpose between the hours of 12:00 midnight and 8:00 a.m." The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mullen, Snell, Trevino  
Noes: Mayor McClellan, Mayor Pro Tem Himmelblau

Amendment to the Motion

Councilmember Mullen moved that the Council amend the Massage Business Ordinance so that all massage businesses within 100 feet of a residential area will be open during the hours of 8:00 a.m. to 10:00 p.m. (This applies to businesses open at the present time.) The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmember Cooke, Mayor Pro Tem Himmelblau, Councilmember Mullen, Mayor McClellan  
Noes: Councilmembers Goodman, Snell, Trevino

Roll Call on Original Motion As Amended

Mayor McClellan brought up the following ordinance for its first reading:

AN ORDINANCE AMENDING THE CODE OF THE CITY OF AUSTIN OF 1967; PROVIDING FOR THE REGULATION OF MASSAGE BUSINESSES; PROVIDING FOR SEVERABILITY; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

The ordinance was read the first time, and Mayor Pro Tem Himmelblau moved that it be passed to its second reading, as amended. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmember Mullen, Mayor McClellan, Councilmember Cooke,  
Mayor Pro Tem Himmelblau  
Noes: Councilmembers Snell, Trevino, Goodman

The Mayor announced that the ordinance had been passed through the first reading only.

Councilmember Snell stated that Mr. Cooke has some very good amendments which he supports, but he still has some differences with the ordinance.

Councilmember Goodman said he, too, thinks Councilmember Cooke has made very rational improvements to the ordinance, but still cannot support the ordinance because of the hours of operation. He feels the control should have been exercised by the last Council, through zoning and that restrictive hours impose upon the civil liberties of individuals.

Mayor Pro Tem Himmelblau stated she voted yes because she believes in neighborhood integrity.

#### LAKE AUSTIN ORDINANCE

The Council had before it for consideration the third reading of an Ordinance amending Chapter 41 of the Austin City Code to provide standards for development of land located within the watershed of Lake Austin as described by the resource maps of the Lake Austin Growth Management Plan.

Mayor McClellan indicated that she had submitted a new draft of the Ordinance to City Attorney Jerry Harris, which spoke to the plateau region going to 37% impervious cover, deletion of the word "significant" under No. D-2 and reverting the wording of the alternative methods section of the Ordinance as it was passed by the Planning Commission.

Mayor Pro Tem Himmelblau indicated that she wanted to postpone action on the Ordinance to a later date. Mayor McClellan suggested postponing action until the January 5, 1978, Council meeting. Councilmember Goodman remarked that he was opposed to any postponement.

Mayor Pro Tem Himmelblau asked if PUD's (Planned Unit Developments), which have already gone through preliminaries and have in some sections finalized out, would be exempted from the Ordinance. Mr. Dick Lillie, Director of the Planning Department, indicated that he did not know the answer to this and suggested collaborating with City Attorney Harris about the question during the coming week, providing the Council should decide to postpone action until January 5, 1978.

#### Motion

Councilmember Cooke moved that the Council postpone action on the Lake Austin Ordinance until January 5, 1978. The motion was seconded by Mayor Pro Tem Himmelblau.

Councilmember Goodman made the following statement during the motion:

"Everyday more and more applications are coming in that may or may not comply with this and we're just complicating the situation and compounding it."

Mayor Pro Tem Himmelblau made the following statement during the motion:

"I believe that the Planning Commission has acted upon subdivisions this month so going into the first part of next month isn't going to complicate it for them."

#### Roll call on Motion

Roll call on Councilmember Cooke's motion, seconded by Mayor Pro Tem Himmelblau, showed the following vote:

Ayes: Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell, Mayor McClellan, Councilmember Cooke

Noes: Councilmember Goodman

Not in Council Chamber when roll was called: Councilmember Trevino

#### HOUSEBOAT ORDINANCE

The Council had before it for consideration appropriation of necessary funds for the implementation of the Houseboat Ordinance by the Building Inspection Department. Mayor McClellan commented that the amount to be funded was \$5,000.

Councilmember Cooke asked if the funding was going to require an amendment to the City budget. Mr. Lonnie Davis, Director of the Building Inspection Department, stated that it would and that there were 12 to 15 boats that needed to be removed from the lake. He stated that the boats are not registered and that ownership on them cannot be proved.

Councilmember Snell asked how the \$5,000 figure was arrived at. Mr. Davis indicated that this was actually only a ballpark figure estimated for the cost of demolition of certain houseboats.

Councilmember Mullen asked that, assuming at least half of the boat owners can be found, the persons owning the boats be responsible for demolition of them. Mr. Davis indicated that the City files a lien to recover the cost of demolition, but that this would be on a structure of object long since gone. He stated that it will be somewhat difficult to recover that money.

Councilmember Snell asked if the owners of the boats will be given a chance to renovate the boats themselves. Mr. Davis replied that they would. Councilmember Snell then asked if a hearing is held on the matter. Mr. Davis indicated that a hearing would be held before the Navigation Board but they were concerned about finding people who will admit to ownership of the boats.

As an alternative to impounding boats, Councilmember Mullen suggested that notices be put on boats allowing owners 30 days in which to comply with City standards. If, by this time, the boats are not taken care of by the owners, the City would then come in and demolish the boats. Mr. Davis indicated that a member of the Legal Department staff was currently researching this and that he feels like this can be done. He stated that they were considering impounding the boats wherever they were and that the cost for this would run around \$1,700 per boat. Councilmember Mullen stressed that the boats should be handled in the cheapest way possible. Mr. Davis stated that they felt the \$5,000 would do this in the cheapest way possible.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 770922-A, THE BUDGET ORDINANCE FOR THE 1977-1978 FISCAL YEAR; APPROPRIATING \$5,000.00 FOR THE BUILDING INSPECTION DEPARTMENT FOR IMPLEMENTATION OF THE HOUSEBOAT ORDINANCE FROM THE GENERAL FUND ENDING BALANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Mullen moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell, Trevino,  
Mayor McClellan, Councilmembers Cooke, Goodman  
Noes: None

The Mayor announced that the ordinance had been finally passed.

During the roll call, Councilmember Goodman remarked that he believed in lake integrity and voted yes.

#### CAPITAL INCREMENT FEE

The Council had before it for consideration an Ordinance decreasing the Capital Increment Fee by fifty percent (50%) for customers located inside the City limits.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 760325-D (CAPITAL INCREMENT CHARGE ORDINANCE) BY REVISING THE CAPITAL INCREMENT CHARGE FOR CUSTOMERS LOCATED WITHIN THE CITY LIMITS OF THE CITY OF AUSTIN; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilmember Goodman moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Mayor McClellan, Councilmembers  
Cooke, Goodman, Mayor Pro Tem Himmelblau  
Noes: Councilmember Trevino

The Mayor announced that the ordinance had been finally passed.

## SUNSET ORDINANCE HEARING SCHEDULE

The Council had before it for consideration an amendment to the Sunset Public Hearing schedule to delete hearings on the Housing Authority and the Urban Renewal Commission. Mayor McClellan recommended that these two agencies be deleted from the public hearings.

Councilmember Cooke moved that the Council delete the Housing Authority and Urban Renewal Commission from the scheduled public hearings. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau, Councilmember Mullen  
Noes: None

Councilmember Trevino made the following statement: "Yes, what I want to do is just point out to the Council that it was either suggested that we take a look at the possibility to see if it were feasible to merge perhaps the Urban Renewal and/or the Housing Authority, but since we are prohibited by law, or by State statute, at least Council should make an effort to work even more closely, more coordinated effort with these two agencies."

Mayor McClellan made the following statement: "We still want a report on Housing and how we can coordinate it."

Mayor Pro Tem Himmelblau made the following statement: "We have no obligation to fund the Urban Renewal Agency, and if we didn't fund them, that would be the end."

Mayor McClellan made the following statement: "I think it would be unwise not to fund them, but you are right, we could choose not to fund them, but..."

Councilmember Trevino made the following statement: "I think you know they have certain responsibility and we do too, and I am just trying to...what I want to do is for us to take a good look at it to see how in the world all of us could work a lot more."

Mayor McClellan then instructed Deputy City Manager Homer Reed to see that both agencies find out that they are not coming to the public hearing they were slated for. Mr. Reed replied that he would make sure that both agencies were notified.

## AWARDS PROGRAM FOR CITY EMPLOYEES

The Council had before it for consideration, a proposal to create a meaningful awards program for City employees who provide dollar saving suggestions to their respective department heads. Mayor McClellan suggested that the Council authorize the City Manager to design a City employee awards program, particularly citing that there have been a number of employees who have made some significant savings for the tax payers and for the City. She suggested that these awards could be made in the form of bonds or a combination of bonds and bringing them before the Council for recognition.

Mr. Homer Reed, Deputy City Manager, indicated that the City Personnel Department has been working on the matter and that they wanted to have the month of January to finish their report. He stated that early in February they will be prepared to give the Council a report.

Councilmember Snell complimented the Mayor on her suggestion. He felt that it would serve as an incentive to the employees to find additional short-cuts to help the City save money.

Councilmember Trevino moved that the Council approve the awards program for City employees. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell  
Noes: None

Councilmember Mullen made the following statement: "Everybody wants to get on the bandwagon, including me. Funny thing, I had this..my aide working on this for about 10 days now, a lot of long distance calls and was going to present it, because I think it is a great idea, and I will make that information available to the staff and vote yes."

Mayor Pro Tem Himmelblau remarked that shorter Council meetings would also save money.

#### SIDEWALK RAMP INSTALLATION

The Council had before it for consideration proposed sidewalk ramp installation for handicapped persons along the south side of 21st Street between Jester Center and Dobie Mall. Councilmember Cooke stated that there are more than 20 wheelchair students at Jester Center and that one of them had approached him in November and asked if he could look into the possibility of sidewalk ramps from Dobie to Jester. He stated that this is their only real outlet as far as getting out to the public. Councilmember Cooke stated that this would require a modification to the sidewalk program and would entail the creation of about 6 additional ramps or barrier-free ramps at a cost of \$1,200.

Mayor Pro Tem Himmelblau asked if these ramps would be located on City property. Councilmember Cooke replied that they would be. He pointed out that the ramps would assist the continued recruitment of handicapped students, who would primarily be housed in Jester Center.

Councilmember Cooke moved that the Council approve installation of sidewalk ramps along the south side of 21st Street between Jester Center and Dobie Mall. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell, Trevino  
Noes: None

Councilmember Cooke made the following statement: "Mayor, I just want to pass to Mr. Reed that I want to thank the staff for their assistance in this matter and prompt attention to it and I wish you would convey that to Mr. Ternus."

Mr. Reed replied that he would and stated that they were delighted to fit this into the program for the coming year.

#### SYMPOSIUM

The Council had before it for consideration City of Austin participation in a symposium on redevelopment and revitalization. Councilmember Cooke indicated that there is a group of people with various professional backgrounds called the CSI. He stated that they had planned to put on a symposium in the early part of the year that would deal with assisting people that might want to take old buildings and restore them, and to help them go through a variety of aspects on how they could do that. Councilmember Cooke stated that there had been discussion on expanding this for public-owned facilities and tax incentive on historical zonings. He stated that aid on building permit regulations could be provided as well as bringing in people in the investment banking business or the redevelopment business of downtown areas of other parts of the country. Councilmember Cooke stated that they were asking that the City be joined with CSI to provide speakers, financial assistance in printing or mailing or the providing of City employees who could serve on joint committees. He stated that the cost to the City would be a maximum of \$1,500. He suggested that the City join with the CSI in a symposium that would be held in mid-March and would try to enjoin a variety of groups like Downtown Austin Unlimited, the development and real estate community, downtown building owners group, the Austin Historical Commission and a variety of groups that have been working for many years with regard to what's happening in the core of the City.

#### Motion

Councilmember Cooke moved that the Council join with CSI in a joint venture in mid-March for the amount of \$1,500 and direct staff to seek out these funds from similar economic development type projects. The motion was seconded by Mayor McClellan.

Councilmember Trevino asked if the other participating organizations would be contributing any financial assistance. Councilmember Cooke stated that he assumed there would be some kind of registration fee for the symposium but that that hasn't been worked out yet.

Councilmember Cooke stated that the venture would be more of a public/private partnership type symposium to try to bring some new insight to the groups that are already interested and enjoin new groups. He stated also that the National League of Business has expressed an interest in the venture. Councilmember Cooke pointed out that HUD (Federal Housing and Urban Development) has made strong recommendations regarding manies into the core areas with regard to housing rejuvenation. He stated that the Carter administration is very supportive of that.

#### Roll Call on Motion

Ayes: Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau,  
Councilmembers Mullen, Snell, Trevino, Mayor McClellan

Noes: None

## SOUTH TEXAS NUCLEAR PROJECT

The Council had before it for consideration the formation of a study group to the South Texas Nuclear Project. Councilmember Goodman stated that he was not going to ask for any action until he received a report from the City staff in late January. He pointed out that the formation of a study group was a result of an Electric Utility Commission request and was asked for in June. Councilmember Goodman stated that in the 1978 bond election the City was going to have to ask for more money because of the \$41 million in cost overruns on the project. He stated that if voters reject the additional bond money, the City would have to either raise utility rates in order to make up the difference or sell its share in the project. Councilmember Goodman cited the fact that the cost of steel for the project has increased by 94% according to the Bureau of Labor Statistics and felt that this kind of cost overrun required some investigation.

Councilmember Cooke pointed out that there may be a difference in the cost of rolled steel versus the cost of steel for a nuclear power plant, therefore the percentages were misleading. He stated that all anticipated costs between now and the time the project comes on line in 1983 ought to be projected. He asked if this would be part of the report and Deputy City Manager Homer Reed replied that it would be. Mayor McClellan stated that she wanted not only overrun projections but also explanations for overruns listed in the report also. Councilmember Goodman stated that he was suspicious and wanted to know if the cost overruns to the best extent they can be investigated, are legitimate. He said that this would mean sending in both auditors and engineers to investigate the project.

Mayor McClellan asked what was being done on a continual basis as far as monitoring the project. Mr. Reed indicated that Mr. R. L. Hancock, Director of the City Electric Department, is assigned as the City of Austin's representative on the management board. Mr. Hancock participates in all key policy decisions relating to the project. In addition, both Mr. Norman Barker, City Finance Administrator and Mr. Monty Nitcholas, Director of the Finance Department, are assigned from the fiscal standpoint to review the books and audit what cost are and make payments. Mr. Reed also stated that there is an independent CPA who is employed by the project, and periodic reports are provided to the City, the latest of those reports having been made available to the Council that week.

Councilmember Goodman stated that the second part of his proposal required that the Council, after considering the report, make a reassessment. He stated that one of the reasons the City became involved with the project was because of the cheap price of nuclear fuel (Uranium Oxide), but that now the price for fuel has quadrupled. He stated that there are many things that have changed since the citizens of Austin approved the project and he felt that the Council should take a full and comprehensive look at the project and make a redetermination.

Councilmember Cooke asked how much money the City has invested in the project to this point. Mr. Barker indicated about \$53 million. Councilmember Goodman pointed out that originally a 7% inflation factor had been built into the cost for the project, but that since then the cost has exceeded that figure. He stated that the inflation rate now was closer to 24-25%. Mr.

Barker indicated that he could not prove what the inflation rate actually is. He stated that a lot of it depends on the factors used in individual contracts relative to construction. Mr. Barker stated that he had not proof to back up the statement that there have been double digit escalations since 1975. Mr. Reed stated that the construction index had double digit inflation for several years since the City has been in the project, and that those inflation factors have effected not only the nuclear plant but all other projects that the City has planned but not yet completely under contract. Mr. Reed indicated that they would deal with all such questions in the review of the entire energy generation program and the capital requirements of the electric system that Mr. Hancock's department is currently working on. He stated that they will wait until that time when they have all the data to respond further. Mayor McClellan acknowledged Mr. Reed's statement.

#### EMPLOYEE'S PENSION FUND CONTRIBUTIONS

Mr. Joe Liro, Assistant City Manager, told the Council that the Law Department has ruled that some of the benefits which were paid to City employees last fall are subject to retirement fund contributions. He stated that the City is required to make retirement fund contributions on the lump sum payments paid to firefighters and expects to find itself in a similar position as far as regular City employees are concerned. Mr. Liro indicated that it is the City's assumption of social security benefits on which it is required to pay retirement benefits.

Mr. Liro stated that there were two ways in which the City can comply with the requirement. The first is to go ahead and pay the benefit, and under this option the City would pay the retirement contributions of the firefighters and of the remainder of the City employees and simultaneously restore parity between those two benefits by raising the social security basis 16.5 to 17.5. This would be in line with the new social security laws which go into effect on January 1, 1978. The second option calls for cancelling the social security portion of the 5-1 plan, the 5 portion of the 5-1 plan, and replacing it with an equivalent across the board increase. It would be a percentage increase with a ceiling at 17.5, which would also align with the social security ceilings. Mr. Liro stated that they were prepared to implement whatever option the Council selects effective the first of January.

Councilmember Mullen indicated that he basically favored the idea of a 4.5 plus the 1 or a 5.5 and paying the retirement benefits on option number 2. Councilmember Mullen asked Mr. Liro if City employees will have to pay 6% to the retirement system and Mr. Liro replied that they would. This would make employee take home pay less under any of the proposed options. Mr. Liro stated that take home pay would be less under any of the options but that the lowest one would be 4.75.

Deputy City Manager Homer Reed indicated that one alternative the Council could take would be to take the same amount of money the employee is currently getting and start deducting the 6% for the retirement system.

Mr. Liro pointed out that in all the examples used, they were figuring at an average salary level of \$14,000. He stated that a reduction in take home pay under option 1 would be \$83 a year for firefighters.

Mayor McClellan pointed out that many employees are living on a tight budget and are counting on that much money in their pocket. Mr. Liro pointed out that under option 2, the annual reduction for a firefighter is \$8 a year. For all other City employees this reduction would be \$9 per year. Mayor McClellan felt that the Council has made a commitment and should honor that commitment. She stated that an increase in retirement benefits would necessitate a slight reduction in employee take home pay. Mr. Reed stated that he did not think employees would grumble about having to pay \$8 a year to get 6% added contribution to their retirement system.

Mr. Liro stated that they will have to re-program the computers to make the social security changes that go into effect January 1, 1978, and then come back a week or two later and do the changes for this. He stated that it was vital that the Council adknoledged all of the many warnings that accompany those examples of take home pay. He stated that they were wary of them because they varied according to individual preferences and many other factors. Mr. Reed indicated that the item could be brought back on next week's agenda.

Councilmember Cooke moved that the Council postpone discussion on the matter for one week. The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

Ayes: Mayor Pro Tem Himmelblau, Councilmembers Snell, Trevino,  
Mayor McClellan, Councilmembers Cooke, Goodman  
Noes: Councilmember Mullen

#### CLINIC CARDS

Mr. Homer Reed, Deputy City Manager, referred Council to the report before them concerning termination of Brackenridge Clinic Cards for Non-City/County residents. He said that the best information which can be obtained from the County is that they will accept statements from the City for clinic card holders. The County has budgeted \$300,000 for this purpose. As yet they have not agreed on just exactly how they will determine eligibility, but probably they will want to make their own determination of eligibility and certify it to Brackenridge. During the interim, until they have made their decision, they are willing to accept our certification and we will send them the bills. Mayor Pro Tem Himmelblau asked if this means ambulatory patients as well as in-patients. Mr. Reed answered, yes, if they are card holders. Mayor Pro Tem Himmelblau said, "All right, but we will be keeping track of the clinic visit as well as the hospital cards."

Mayor Pro Tem Himmelblau moved to approve the interim plan; the County will be picking up the tab and Council will be informed twice monthly concerning amount of costs. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Trevino, Mayor McClellan,  
Councilmember Goodman, Mayor Pro Tem Himmelblau  
Noes: None  
Not in Council Chamber when roll was called: Councilmember Cooke

## MUTUAL AID ACT

Mayor Pro Tem Himmelblau referred to a report given to Council concerning the Mutual Aid Act between the Austin Police Department and the University of Texas Police Department. She said she is very pleased with the staff report and asked Mr. Reed, Deputy City Manager, to make the presentation. Mr. Reed, in turn, requested Chief Dyson, Austin Police Department, to make the presentation and referred to the fiscal statement which had been distributed. Mayor Pro Tem Himmelblau said she wanted to make an additional statement about the impact statement...that it does not reflect the help that she anticipates for the new sports event center. She thinks that we will even see a greater increase.

Chief Dyson commented that it won't be as great as activities encountered during the football season, but there will be some impact, as well as other situations not yet anticipated where mutual aid will result. Chief Dyson referred to the memorandum of understanding executed between he and Chief Cannon. Part of the understanding, he said, is that it will be available on a mutual aid basis involving any university-related situation. It is anticipated there will be significant savings to the City in terms of overtime requirements on policing those incidents. Chief Dyson stated that Chief Cannon (UT) has assigned 25 University of Texas police officers to work with City police on January 2, 1978. This will amount to a significant overtime reduction for that day. Mayor Pro Tem Himmelblau commended Police Chief Dyson for his work on the project. Councilmember Cooke commended the Mayor Pro Tem and Chief Dyson both and called for continued cooperative ventures between the City and other outside agencies.

## AUSTIN HIGH SCHOOL STREETS

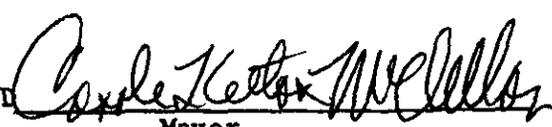
Councilmember Cooke moved that the Council instruct the City Manager to work with Austin High School officials on the City taking over the subject as a dedicated street. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau, Councilmember Mullen  
Noes: None

## ADJOURNMENT

The Council then adjourned at 7:55 p.m.

APPROVED

  
Mayor

ATTEST:



City Clerk